

REMARKS

The present response is to the Office Action mailed in the above-referenced case on July 27, 2004, made final. Claims 20-24, 26-36, 39 and 40 are presented below for examination. Claims 20-24, 26-28, 32-34, 36 and 39 are rejected under 35 C. 103(a) as being unpatentable over Janky et al., herein Janky. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janky, in view of the reference of Juszkievicz. The Examiner has indicated that claims 35 and 40 recite allowable subject matter, but are objected to as depending from a rejected base claim.

Applicant has carefully studied the references cited and applied by the Examiner, and the Examiner's rejections and statements of the instant Office Action. In response, applicant provides amendments to specific claims to more particularly recite the subject matter patentable over the references provided by the Examiner. Applicant points out and argues the key and patentable aspects of applicant's invention clearly and specifically recited in applicant's base claims, as amended.

Applicant previously argued that Janky may disclose a means for downloading data from the PC to a portable storage and playback unit, utilizing a docking station for the portable unit, functioning as an interface between the portable unit and the PC. Applicant does argue, however, that there is a clear and obvious distinction between transferring executable audio-effects **applications** from source, through PC interface, to audio appliance **adapted to execute** said audio-effects **applications**, as disclosed in applicant's invention and specifically recited in the claims, and simply transmitting and/or editing audio files by equalization, mixing etc., as in the teachings of Janky.

The Examiner responded to the above argument in the present Office Letter stating that the claim language does not support downloading software applications executable from the audio electronic device. Applicant herein amends the independent claims to positively recite that such that the user docking the memory card into the memory dock connected to the host computer may download the audio-effects software

applications to the card, and by removing the memory card from the memory dock and inserting the card into the memory slot provided in the electronic processing device, may upload and execute the audio-effects software applications to be utilized by the processing device.

As previously argued, Janky teaches downloading audio files from Internet sources to the PC, to which a docking station for a portable storage/playback unit is connected, and transferring said audio files from the PC storage device to the portable unit for storage and playback at the time of the user's choosing. However, the reference to Janky fails to teach the fundamental and key aspect, which is the ability to retrieve audio software applications from a data server to a host computer and downloading the software to an audio electronic device from the host computer, wherein the audio electronic device executes the software.

Applicant believes that the reference of Janky clearly teaches an alternative invention for solving an alternative problem. The portable unit of Janky connects to the PC via the docking station, and the requested audio files are transferred from the storage device of the PC to the portable storage/playback unit. The playback unit has the function of storing and playing back the files in audio form to the user, but the playback unit certainly is not capable of executing any programs such as the audio-effects applications of applicant's invention, or any other executable application for that matter, other than that simply required for storage and playback of the audio files downloaded to the portable device.

Applicant's invention, as amended, provides a standard platform for enabling digital signal processing (DSP) plug-ins (executable software applications) in audio appliances, such as digital effects processors for musical instruments, which may utilize software plug-in technology provided by a variety of programming sources in the audio market.

The Examiner has rejected claims 29-31 as being unpatentable over Janky in view of Juszkievicz. Applicant believes dependent claims 29-31 are patentable on their own merits, or at least as depended from a patentable base claim.

Applicant's independent claim 32 recites the method for acquiring external audio-effects applications in accordance with the system of claim 20. Claim 32 is herein amended in conformance with claim 20 and now recites many of the patentable limitations of claim 20, and is therefore also patentable over the prior art presented by the Examiner as argued above by applicant on behalf of claim 20. Claims 33-36 and 39-40 are then patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims, as amended and presented for examination have been shown to be patentable over the art of record, applicant respectfully requests reconsideration and that the case be passed quickly to issue. If any fees are due beyond the fees paid by check accompanying this response, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,

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